

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6387**

**BILL NUMBER:** HB 1037

**NOTE PREPARED:** Nov 26, 2003

**BILL AMENDED:**

**SUBJECT:** Civil Immunity for Volunteers.

**FIRST AUTHOR:** Rep. Frizzell

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill grants a volunteer immunity from liability for civil damages resulting from an act or omission of the volunteer, except for an act or omission related to the operation of a motor vehicle. The bill also limits a volunteer's maximum civil liability resulting from the volunteer's operation of a motor vehicle to the limits of the insurance coverage maintained by or for the volunteer.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** This bill could potentially decrease the number of lawsuits filed because it confers civil immunity on persons who volunteer for a non-profit organization or corporation, a hospital, or a governmental entity. This immunity is granted only for cases in which the damage caused was not due to willful or wanton misconduct, and the volunteer was acting in good faith and within the scope of volunteer's duties. While the bill does not offer immunity to a volunteer operating a motor vehicle, it does limit the liability of the volunteer to the limits on the applicable insurance maintained on the volunteer's behalf.

The specific fiscal impact of this bill is indeterminable; however, it would reduce the state's liability in cases involving injuries caused by a volunteer performing services for a state entity.

**Explanation of State Revenues:** If the proposal decreases the number of civil actions filed, revenue deposited in the state General Fund from filing fees would decrease.

**Explanation of Local Expenditures:** The fiscal impact is indeterminable. Any cost savings to political subdivisions or local governmental units would depend on the number of lawsuits that would have been filed

against the local unit for civil damages caused by volunteers.

**Explanation of Local Revenues:** If the proposal decreases the number of civil actions, revenue deposited in county general funds from filing fees would decrease.

**State Agencies Affected:** Office of the Attorney General.

**Local Agencies Affected:** Counties; cities and towns; court clerks.

**Information Sources:** Jennifer Thuma, Director of Legislative Affairs, Attorney General's Office, 233-6143.

**Fiscal Analyst:** John Parkey, 317-232-9854.